

**ORDINANCE CALLING FOR REFERENDUM TO ALLOW THE
CITIZENS OF THE CITY OF WOODSTOCK, GEORGIA TO VOTE ON WHETHER TO
AUTHORIZE RETAILERS TO SELL BY PACKAGE, MALT BEVERAGES, WINE AND
DISTILLED SPIRITS, ON SUNDAYS BETWEEN THE HOURS OF 12:30 P.M. AND
11:30 P.M.**

WHEREAS, the City of Woodstock, Georgia (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; and

WHEREAS, the General Assembly of the State of Georgia has enacted legislation authorizing the City to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m. if such sales are approved in a referendum by the electors of the City voting in an election as called and conducted in a manner authorized under O.C.G.A. ' 21-2-540; and

WHEREAS, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto;¹ and

WHEREAS, the Mayor and Council of the City, in compliance with the laws passed by the General Assembly, desire to allow the citizens of the City to vote their desires with respect to the authorization of the City to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m.

¹ O.C.G.A. '36-35-3(a) provides as follows:

"(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section.. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6."

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City, by the lawful authority vested in them, that the City shall permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 p.m. and 11:30 p.m., as authorized by O.C.G.A. ' 3-3-7 (q)(1) or such other laws as may authorize such sales; and

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Woodstock, Georgia, by the lawful authority vested in them, that the sale by package of malt beverages, wine, and distilled spirits shall be subject to approval of the electors of the City by vote in a referendum to be called in accordance with the laws of the State of Georgia and that the election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under O.C.G.A. ' 21-2-540 and any and all other applicable laws, if any.

This 23 day of May, 2011.



DONNIE HENRIQUES, MAYOR
CITY OF WOODSTOCK, GEORGIA

DATE OF 1ST READING: 5-9-11

DATE OF 2ND READING: 5-23-11



RHONDA L. PEZZELLO, CLERK
CITY OF WOODSTOCK, GEORGIA